

**From:** [Rinek, Lori](#)  
**To:** [Nobriga, Matt](#)  
**Cc:** [Rabin, Larry](#); [Foresman, Erin](#); [Michael. Tucker](#); [Skophammer, Stephanie](#); [Roger Guinee](#); [Dan Welsh](#); [Kim S Turner](#); [Leanna Zweig](#)  
**Subject:** Re: fish impacts discussion  
**Date:** Thursday, April 16, 2015 3:12:03 PM

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Most important to work around Matt's and Leanna's schedules ! Just keep me on the e:mail trail and I will try and hook in whenever you decide to meet. Thanks !

On Thu, Apr 16, 2015 at 2:07 PM, Nobriga, Matt <[matt\\_nobriga@fws.gov](mailto:matt_nobriga@fws.gov)> wrote:

Hi all,

I goofed on some scheduling and missed the training I was supposed to be in today and tomorrow - so I'm available for meetings if they are scheduled. Next week, I'm available except that Monday is pretty full and I'm on AL again Tuesday afternoon. I'm just now getting to reading the new Alt 4a... Matt

On Thu, Apr 16, 2015 at 1:53 PM, Rabin, Larry <[larry\\_rabin@fws.gov](mailto:larry_rabin@fws.gov)> wrote:

Hi Erin,

I think the right folks for your meeting would be:

Matt Nobriga

Leanna Zweig

Lori Rinek

However...Matt has been out on AL and Leanna on SL. And I've asked folks to prioritize Drought response and the Section 7 for BDCP over the EIS/EIR. Given that, I'm not sure how much time they've had to form opinions.

Matt, Leanna, and Lori....would you work with Erin to schedule a time for you to meet and talk?

Best,

-Larry

---

*Larry A. Rabin, Ph.D., Acting Field Supervisor*

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Sacramento, CA 95814

Phone: 916-930-5603 | FAX: 916-930-5654

Email: [larry\\_rabin@fws.gov](mailto:larry_rabin@fws.gov)

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On Thu, Apr 16, 2015 at 1:43 PM, Foresman, Erin <[Foresman.Erin@epa.gov](mailto:Foresman.Erin@epa.gov)> wrote:

Hi Larry and Mike,

Stephanie and I have read through the updated 4A fishery impacts. It would be really helpful to us if we could meet with your biologists to discuss the NEPA effects determinations. I'm interested in understanding the project impacts that lead to the 'not determined' effects in the DEIS and what has changed in the recent analysis.

Time is v. short in the admin review period. Please let us know if there is any way we can have a discussion in the next few days (tomorrow morning?).

Thanks for your help,

Erin

Erin Foresman

US EPA | Environmental Scientist | SF Bay Delta

C/O NMFS 650 Capitol Mall| Sacramento, CA 95814

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*Schedule: M 7:30a - 4:00p; T - F 7:30a -*

*2:00p*

Matt Nobriga  
Fish Biologist, Senior Aquatic Science Adviser  
U.S. Fish and Wildlife Service  
Bay Delta Fish and Wildlife Office  
650 Capitol Mall, Suite 8-300  
Sacramento, CA 95814  
(916) 930-5609  
[matt\\_nobriga@fws.gov](mailto:matt_nobriga@fws.gov)

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Lori Rinek  
Fish and Wildlife Biologist  
(Section 10 Coordinator)  
Office: (916) 930-5652  
[lori\\_rinek@fws.gov](mailto:lori_rinek@fws.gov)

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U.S. Fish and Wildlife Service  
San Francisco Bay-Delta Fish and Wildlife Office  
650 Capitol Mall, Suite 8-300  
Sacramento, CA 95814

**From:** [Foresman, Erin](#)  
**To:** [Nobriga, Matt](#)  
**Subject:** RE: fish impacts discussion  
**Date:** Monday, April 27, 2015 3:50:32 PM

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Hi Matt,

Great, thank you. I'll find a conf. room on the 5<sup>th</sup> floor.

Erin Foresman

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**From:** Nobriga, Matt [mailto:[matt\\_nobriga@fws.gov](mailto:matt_nobriga@fws.gov)]  
**Sent:** Monday, April 27, 2015 3:45 PM  
**To:** Foresman, Erin  
**Subject:** Re: fish impacts discussion

Hi Erin - I can make it at 11.

On Mon, Apr 27, 2015 at 3:43 PM, Foresman, Erin <[Foresman.Erin@epa.gov](mailto:Foresman.Erin@epa.gov)> wrote:

Hi Matt,

Thanks for your reply. Can you meet on Thursday at 11:00 or at 1:00? I really appreciate your time. Hopefully you'll have a chance to crack the 4A analysis of delta smelt but if not, maybe we can walk through it together.

Thank you!

Erin

Erin Foresman

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**From:** Nobriga, Matt [mailto:[matt\\_nobriga@fws.gov](mailto:matt_nobriga@fws.gov)]

**Sent:** Monday, April 27, 2015 8:54 AM

**To:** Foresman, Erin

**Cc:** Zweig, Leanna; Skophammer, Stephanie; Rabin, Larry; Roger Guinee; Dan Welsh; Kim S Turner; Lori Rinek; Michael Tucker - NOAA Federal

**Subject:** Re: fish impacts discussion

Hi Erin,

My calendar is pretty open this week, but fair warning I had a lot of April off and did not read much of the Alt 4A documentation.

Matt

On Fri, Apr 24, 2015 at 9:29 AM, Foresman, Erin <[Foresman.Erin@epa.gov](mailto:Foresman.Erin@epa.gov)> wrote:

I Everyone,

I was not able to completely follow up with FWS before the comment deadline earlier this week. We put a place holder in our recent comments for aquatic life comments pending conversations with NMFS and FWS. I was able to meet with Mike Tucker Wednesday but it was too late to incorporate the results of that discussion into EPA's first round of admin draft comments and we didn't get a chance to discuss sturgeon and contaminants.

Are Matt and Leanna at FWS still available to talk with me about the DS and LFS (?) analysis for 4A? I have availability next Monday between 10:30 and 3:00 PM and Thursday and Friday between 10:00 am and 2:00 pm. I'm interested in understanding if there is agreement on the NEPA Effects Determination for 4A and if so what pieces of information were pivotal in changing from "Not Determined" to "Not Adverse."

Erin Foresman

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**From:** Zweig, Leanna [mailto:[leanna\\_zweig@fws.gov](mailto:leanna_zweig@fws.gov)]

**Sent:** Monday, April 20, 2015 1:13 PM

**To:** Foresman, Erin

**Cc:** Rabin, Larry; Michael. Tucker; Skophammer, Stephanie; Roger Guinee; Dan Welsh; Kim S Turner; Matt Nobriga; Lori Rinek

**Subject:** Re: fish impacts discussion

I am available both days. Since many of the contaminants concerns with Alt 4a now belong NMFS, I would recommend including them if possible.

On Mon, Apr 20, 2015 at 1:06 PM, Foresman, Erin <[Foresman.Erin@epa.gov](mailto:Foresman.Erin@epa.gov)> wrote:

Hi Leanna,

Thanks for providing your availability. I'm sorry I couldn't connect on Friday. I had to focus on completing my reading. I'm in SF today (on the train now) and will be in the Sac office tomorrow. Are you available any time tomorrow or sometime on Wednesday? I think Matt said he was available on Wednesday so maybe it would be better to wait until your both available. Mike, do you think you or Yvette might be available to chat on Wednesday? I will move or remove things from my calendar to find a time that works.

Erin Foresman

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*Schedule: M 7:30a - 4:00p; T - F 7:30a - 2:00p*

**From:** Zweig, Leanna [mailto:[leanna\\_zweig@fws.gov](mailto:leanna_zweig@fws.gov)]

**Sent:** Thursday, April 16, 2015 2:31 PM

**To:** Rabin, Larry

**Cc:** Foresman, Erin; Michael. Tucker; Skophammer, Stephanie; Roger Guinee; Dan Welsh; Kim

S Turner; Matt Nobriga; Lori Rinek

**Subject:** Re: fish impacts discussion

I can meet by phone tomorrow or in person Monday.

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Hi Erin,

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Erin Foresman

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(Email) [Leanna\\_Zweig@fws.gov](mailto:Leanna_Zweig@fws.gov)

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**To:** [Rabin, Larry](#)  
**Cc:** [Susie Tharratt](#); [Derek Hilts](#); [Matt Nobriga](#); [Steven Culberson](#); [Lori Rinek](#); [Leanna Zweig](#); [Barbara Beggs](#); [Vendlinski, Tim](#); [Foresman, Erin](#); [Hagler, Tom](#)  
**Subject:** RE: FW: Proposed Topics for add'l technical meeting  
**Date:** Monday, December 29, 2014 10:04:07 AM  
**Attachments:** [EPA DWR mtg notes 112412 EPA Comments.docx](#)  
[EPA DWR mtg notes 111314 EPA Comments.docx](#)  
[EPA DWR mtg notes 111014 EPA Comments.docx](#)

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Likewise, here are EPA's edits that I sent over to Cassandra this morning.

Stephanie Skophammer

U.S. Environmental Protection Agency, Region  
9 Environmental Review Section (ENF-4-2) 75  
Hawthorne St.

San Francisco, CA 94105  
(415) 972-3098

**From:** Rabin, Larry [mailto:larry\_rabin@fws.gov]  
**Sent:** Tuesday, December 16, 2014 4:48 PM  
**To:** Vendlinski, Tim; Foresman, Erin; Skophammer, Stephanie; Hagler, Tom  
**Cc:** Susie Tharratt; Derek Hilts; Matt Nobriga; Steven Culberson; Lori Rinek; Leanna Zweig; Barbara Beggs  
**Subject:** Fwd: FW: Proposed Topics for add'l technical meeting

Dear EPA Colleagues,  
I wanted you to have a copy of the comments/edits we provided to DWR on the notes for the three recent BDCP/EPA Technical Meetings.

Best, -  
Larry

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Phone: 916-930-5603 | FAX: 916-930-5654  
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----- Forwarded message -----

**From:** Rabin, Larry <[larry\\_rabin@fws.gov](mailto:larry_rabin@fws.gov)>  
**Date:** Tue, Dec 16, 2014 at 4:43 PM  
**Subject:** Re: FW: Proposed Topics for add'l technical meeting  
**To:** "Enos, Cassandra@DWR" <[Cassandra.Enos@water.ca.gov](mailto:Cassandra.Enos@water.ca.gov)>  
**Cc:** "Ryan.Wulff@noaa.gov" <[Ryan.Wulff@noaa.gov](mailto:Ryan.Wulff@noaa.gov)>, Michelle Banonis <[mbanonis@usbr.gov](mailto:mbanonis@usbr.gov)>, Cathy Marcinkevage <[Cathy.Marcinkevage@noaa.gov](mailto:Cathy.Marcinkevage@noaa.gov)>, "leanna\_zweig@fws.gov" <[leanna\\_zweig@fws.gov](mailto:leanna_zweig@fws.gov)>, "McEwan, Dennis@DWR" <[Dennis.McEwan@water.ca.gov](mailto:Dennis.McEwan@water.ca.gov)>, "Jones, Gardner@DWR" <[Gardner.Jones@water.ca.gov](mailto:Gardner.Jones@water.ca.gov)>

Thanks for providing these, Cassandra. FWS staff who attended these meetings had some edits/comments/questions on the notes that I wanted to pass along to you for incorporation. As we look back at the notes in the coming months, I think the changes we've suggested will allow us to better track agreements and action items.

Best,

-Larry

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-  
On Mon, Dec 8, 2014 at 4:07 PM, Enos, Cassandra@DWR <[Cassandra.Enos@water.ca.gov](mailto:Cassandra.Enos@water.ca.gov)> wrote:

Larry, Ryan, and Michelle – I just wanted to let you know we sent the meeting notes over to EPA. Let me know if you have any questions.

Thanks to all for your participation in the coordination meetings.

Take Care, Cassandra

---

**From:** Enos, Cassandra@DWR

**Sent:** Monday, December 08, 2014 4:03 PM

**To:** 'Skophammer, Stephanie'

**Cc:** [foresman.erin@epa.gov](mailto:foresman.erin@epa.gov); [vendlinski.tim@epa.gov](mailto:vendlinski.tim@epa.gov); Goforth, Kathleen

**Subject:** RE: Proposed Topics for add'l technical meeting

Stephanie – Thanks much for getting back to me. Attached are the summaries of action items from each of the meetings. I apologize for the delay in getting these back to you. I'm happy to work on setting up another technical meeting before the 15<sup>th</sup>. Are there any particular days/times that work best for you? In the meantime, we will start working on written responses with the goal of having those done before the technical meeting. Let me know if you have any questions on the action items.

Thanks, Cassandra

---

**From:** Skophammer, Stephanie [<mailto:SKOPHAMMER.STEPHANIE@EPA.GOV>]

**Sent:** Friday, December 05, 2014 10:19 AM

**To:** Enos, Cassandra@DWR

**Cc:** [foresman.erin@epa.gov](mailto:foresman.erin@epa.gov); [vendlinski.tim@epa.gov](mailto:vendlinski.tim@epa.gov); Goforth, Kathleen

**Subject:** Proposed Topics for add'l technical meeting

Hi Cassandra-

I think we are on deck for providing suggestions to you on how we would like to handle the remaining topics that have not been covered at our technical meetings. After going through the bullets, we would like to have one more technical meeting (see proposed agenda below), and a written response provided by DWR/ICF/lead federal agencies for the rest of the bullets will probably suffice.

I don't know the likelihood of getting the last technical meeting accomplished before the holidays, but it probably could be shorter than 3 hours so that may help. However, we would like to have it before Jan 15, the date of the next policy meeting.

Additionally, we are still very much interested in creating a formal agreed-upon summary from the 3 technical meetings. I drafted one for EPA management that I am happy to share with you to further progress towards this goal as it is important to us to do it.

Thank you and let me know what additional things you need from me, I am happy to help facilitate.

Stephanie

**Proposed Agenda for Last Technical Meeting:**

- EPA is concerned that the relationship between the CM2 analysis and the current Reclamation planning efforts in Yolo Bypass are not clearly enough defined, including additional project-level analysis, relationship to BiOp, and if additional water would be needed to flood the bypass.

[We raised this at our last meeting, in that we would like to learn more about CM2 and whether the impacts of CM2 are designed to offset impacts from CM1.](#)

- How will programmatic benefits to resident and migratory fishes from CM2 and CM4 be estimated and compared to estimated negative effects of CM1, CM2, and CM4?

[Related to above. EPA is still very much interested in this discussion and its direct relation to CM2.](#)

- EPA concerned that BDCP and DEIR/EIS do not include adequate detail regarding export operations. In the south Delta, more detail is sought in regards to the Corps permit for SWP Banks operations and how BDCP use of that facility would meet Corps' goal of minimizing erosion. Additionally a description of CVP/SWP operations with and without each alternative should be included in Chapter 3 and add more detail to the north Delta bypass rules description. EPA also seeks clarification regarding E/I ratio used for BDCP.

[Suggestion for a topic of discussion. We would like to learn more about this.](#)

**Remaining Bullets where a written response may be sufficient:**

From Proposed Technical Meeting #4

- EPA concerned that the DEIR/EIS does not provide enough detail regarding the potential outcomes of the system impact studies and how that may affect procurement and placement of transmission and associated infrastructure, and associated terrestrial effects.

This comment was made on the DEIS, but we understand that add'l work has been completed since then to strengthen the terrestrial section. Has ICF made any progress with USFWS regarding this concern?

- EPA is concerned that the extent of wetlands, vernal pools, and waters have been underestimated. The extent of wetlands in the study area were determined based primarily on aerial mapping and the DEIR/EIS does not provide an estimate of the GISbased mapping accuracy.

We can table this discussion for a future meeting.

- EPA concerned that the DEIS air quality analysis did not adequately evaluate all conservation measures for general conformity.

We understand (from the BECT meeting) that the air quality analysis is being redone.

- EPA concerned that the DEIR/EIS does not discuss effects on downstream resources or how Delta operations could require changes in upstream operations.

We understand from previous meetings that ICF is expanding their analysis to include downstream resources and will include a more robust discussion (however, not add'l analysis) of changes to upstream operations.

- Discuss how the decision rules will be described to determine impact determinations.

ICF indicated that they are revising and clarifying this for the Supplemental. EPA would like to be involved in reviewing the revisions to make sure we fully understand the decision-making process prior to a public release of the Supplemental.

- EPA concerned that, in some cases, different NEPA effects determinations are provided for similar analyses and some NEPA conclusions were not provided. EPA is concerned that in-water construction BMPs are not clearly enough defined or may not be feasible or applicable on the scale required for BDCP.

ICF indicated that they are revising and clarifying this for the Supplemental.

- What is planned for dredged material and reuseable tunnel material?

ICF indicated that more detail was being provided for this in the Supplemental.

- Discuss whether any additional information will be provided on energy usage for the BDCP and CVP/SWP system.

Is ICF planning to address this in the Supplemental?

- EPA is concerned that the DEIS discussion of groundwater use changes as a result of surface water deliveries is not adequate. BDCP should consider including a mitigation measure for groundwater management in southern San Joaquin Valley.

This was not discussed at a technical meeting, but we heard that it was discussed at the Policy Meeting #1 and that DWR is planning to have a discussion of the BDCP in the context of new groundwater legislation for the Supplemental.

**Stephanie Skophammer**

U.S. Environmental Protection Agency, Region  
9 Environmental Review Section (ENF-4-2) 75  
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San Francisco, CA 94105  
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<[mabanonis@usbr.gov](mailto:mabanonis@usbr.gov)>, Cathy Marcinkevage <[Cathy.Marcinkevage@noaa.gov](mailto:Cathy.Marcinkevage@noaa.gov)>,  
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**Sent:** Friday, December 05, 2014 10:19 AM

**To:** Enos, Cassandra@DWR

**Cc:** [foresman.erin@epa.gov](mailto:foresman.erin@epa.gov); [vendlinski.tim@epa.gov](mailto:vendlinski.tim@epa.gov); Goforth, Kathleen

**Subject:** Proposed Topics for add'l technical meeting

Hi Cassandra-

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**Stephanie Skophammer**

U.S. Environmental Protection Agency, Region  
9 Environmental Review Section (ENF-4-2) 75  
Hawthorne St.  
San Francisco, CA 94105  
(415) 972-3098

**From:** [Rabin, Larry](#)  
**To:** [Leanna Zweig](#); [Lori Rinek](#); [Matt Nobriga](#); [Steven Culberson](#); [Susie Tharratt](#); [Barbara Beggs](#)  
**Subject:** Fwd: FW: Proposed Topics for add'l technical meeting  
**Date:** Wednesday, December 10, 2014 10:51:48 AM  
**Attachments:** [EPA mtg notes 111314 final.docx](#)  
[EPA mtg notes 111014 final.docx](#)  
[EPA mtg notes 112414 final.docx](#)

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Hi everyone,

Can you take a look over these notes in the next couple of days and let me know if there's anything you'd like to add/edit?

I have a few edits myself and will compile your edits as well, before I send back to DWR.

Best,  
-Larry

---

*-Larry A. Rabin, Ph.D., Deputy Field Supervisor*  
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**Date:** Mon, Dec 8, 2014 at 4:07 PM  
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**To:** "Rabin, [Larry@fws.gov](mailto:Larry@fws.gov)" <[Larry\\_Rabin@fws.gov](mailto:Larry_Rabin@fws.gov)>, "[Ryan.Wulff@noaa.gov](mailto:Ryan.Wulff@noaa.gov)" <[Ryan.Wulff@noaa.gov](mailto:Ryan.Wulff@noaa.gov)>, Michelle Banonis <[mbanonis@usbr.gov](mailto:mbanonis@usbr.gov)>  
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Larry, Ryan, and Michelle – I just wanted to let you know we sent the meeting notes over to EPA. Let me know if you have any questions.

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**Cc:** [Susie Tharratt](#); [Derek Hiltz](#); [Matt Nobriga](#); [Steven Culberson](#); [Lori Rinek](#); [Leanna Zweig](#); [Barbara Beggs](#)  
**Subject:** Fwd: FW: Proposed Topics for add'l technical meeting  
**Date:** Tuesday, December 16, 2014 4:47:55 PM  
**Attachments:** [EPA mtg notes 111014 final fws.docx](#)  
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Stephanie

#### Proposed Agenda for Last Technical Meeting:

- EPA is concerned that the relationship between the CM2 analysis and the current Reclamation planning efforts in Yolo Bypass are not clearly enough defined, including additional project-level analysis, relationship to BiOp, and if additional water would be needed to flood the bypass.

We raised this at our last meeting, in that we would like to learn more about CM2 and whether the impacts of CM2 are designed to offset impacts from CM1.

- How will programmatic benefits to resident and migratory fishes from CM2 and CM4 be estimated and compared to estimated negative effects of CM1, CM2, and CM4?

Related to above. EPA is still very much interested in this discussion and its direct relation to CM2.

- EPA concerned that BDCP and DEIR/EIS do not include adequate detail regarding export operations. In the south Delta, more detail is sought in regards to the Corps permit for SWP Banks operations and how BDCP use of that facility would meet Corps' goal of minimizing erosion. Additionally a description of CVP/SWP operations with and without each alternative should be included in Chapter 3 and add more detail to the north Delta bypass rules description. EPA also seeks clarification regarding E/I ratio used for BDCP.

Suggestion for a topic of discussion. We would like to learn more about this.

#### Remaining Bullets where a written response may be sufficient:

#### From Proposed Technical Meeting #4

- EPA concerned that the DEIR/EIS does not provide enough detail regarding the potential outcomes of the system impact studies and how that may affect procurement and placement of transmission and associated infrastructure, and associated terrestrial effects.

This comment was made on the DEIS, but we understand that add'l work has been completed since then to strengthen the terrestrial section. Has ICF made any progress with USFWS regarding this concern?

- EPA is concerned that the extent of wetlands, vernal pools, and waters have been underestimated. The extent of wetlands in the study area were determined based primarily on aerial mapping and the DEIR/EIS does not provide an estimate of the GISbased mapping accuracy.

We can table this discussion for a future meeting.

- EPA concerned that the DEIS air quality analysis did not adequately evaluate all conservation measures for general conformity.

We understand (from the BECT meeting) that the air quality analysis is being redone.

- EPA concerned that the DEIR/EIS does not discuss effects on downstream resources or how Delta operations could require changes in upstream operations.

We understand from previous meetings that ICF is expanding their analysis to include downstream resources and will include a more robust discussion (however, not add'l analysis) of changes to upstream operations.

- Discuss how the decision rules will be described to determine impact determinations.

ICF indicated that they are revising and clarifying this for the Supplemental. EPA would like to be involved in reviewing the revisions to make sure we fully understand the decision-making process prior to a public release of the Supplemental.

- EPA concerned that, in some cases, different NEPA effects determinations are provided for similar analyses and some NEPA conclusions were not provided. EPA is concerned that in-water construction BMPs are not clearly enough defined or may not be feasible or applicable on the scale required for BDCP.

ICF indicated that they are revising and clarifying this for the Supplemental.

- What is planned for dredged material and reuseable tunnel material?

ICF indicated that more detail was being provided for this in the Supplemental.

- Discuss whether any additional information will be provided on energy usage for the BDCP and CVP/SWP system.

Is ICF planning to address this in the Supplemental?

From Proposed Technical Meeting #5

- EPA is concerned that the DEIS discussion of groundwater use changes as a result of surface water deliveries is not adequate. BDCP should consider including a mitigation measure for groundwater management in southern San Joaquin Valley.

This was not discussed at a technical meeting, but we heard that it was discussed at the Policy Meeting #1 and that DWR is planning to have a discussion of the BDCP in the context of new groundwater legislation for the Supplemental.

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